

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

UNITED STATES OF AMERICA,)
)
v.) CASE NO. 3:05-CR-00141-MEF-CSC
)
ROY TERRY)

MOTION TO CONTINUE SENTENCING

COMES NOW the Defendant Roy Terry by and through his counsel and files this Motion to Continue Sentencing date and states as follows:

1. Sentencing is presently scheduled for January 20, 2006.
2. Neither the Defendant nor his counsel has received a copy of the Presentence Report. Although Defendant understands he will have fourteen (14) days to respond to the Presentence Report, that will not give the Defendant and the Government sufficient time to discuss any differences.
3. Roy Terry is a material witness in two cases scheduled for trial in January 2006. Mr. Terry is assisting the trustee in bankruptcy in two civil cases that should produce material results on behalf of the major creditors of Terry Manufacturing, Inc. A copy of the December 14, 2005, letter written by counsel for the trustee is marked Exhibit A, attached hereto and specifically incorporated herein by reference.
4. Justice requires that Mr. Terry's sentencing be postponed.

Respectfully submitted this the 30th day of December 2005.

CAPELL & HOWARD, P.C.

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CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing instrument upon the following individual(s), properly addressed, by placing same in the United States Mail, first-class, postage prepaid, on this the 30th day of December 2005.

Andrew O. Schiff, Esq.
Assistant U.S. Attorney
P.O. Box 197
Montgomery, AL 36101-0197

Mr. Doug Mathis
United States Probation Office
Post Office Box 39
Montgomery, AL 36101

By: 
GEORGE L. BECK, JR. (BEC011)